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E-Filing

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS FITZGERALD McKENZIE,

Defendant.

No. CR 05-00798 PJH

GOVERNMENT'S MOTION TO DISMISS
AND (PROPOSED) ORDER

The United States Attorney's Office for the Northern District of California moves to dismiss the indictment without prejudice in the above entitled indictment pursuant to Federal Rule of Criminal Procedure 48 (a), as underlying prosecution has been included in indictment CR 02-0266 CRB. There have been no findings regarding factual guilt or innocence. The government has previously dismissed as to defendant Jason Thomas and Defendant Thomas Fitzgerald McKenzie continues to be a fugitive

DATED: April 27, 2006

Respectfully submitted,

KEVIN V. RYAN
United States Attorney

/s/

C. DAVID HALL
Assistant United States Attorney

MOTION TO DISMISS
[CR 05-00798] [PJH]

1 (PROPOSED) ORDER
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3 Upon the motion of the United States, the the above entitled action is dismissed without
4 prejudice.

5 Dated: 5/8/06
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8 HON. PHYLLIS J. HAMILTON
United States District Court Judge
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MOTION TO DISMISS
[CR 05-00798] [PJH]